

REMARKS

This paper is in response to the Office Action mailed on April 23, 2004.

Claims 16 and 53 are re-written or amended, no claims are canceled, and claims 61 and 62 are added; as a result, claims 1-62 are now pending in this application.

Claim 16 is amended to merely clarify the language therein. These amendments are not made in response to any substantive rejection under Title 35 of the US Code.

Claim 53 is re-written into independent form. Claim 53 is not re-written in response to any substantive rejection and is not narrowed. Claim 53 includes the elements of parent claim 16 but does not include the whereby clause as set forth in claim 16. Allowance of claim 53 is requested.

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Kindly update the USPTO records.

Information Disclosure Statement

Applicant submitted a Supplemental Information Disclosure Statement and a 1449 Form on April 13, 2004. Applicant further submits an Information Disclosure Statement herewith. Applicant respectfully requests that initialed copies of the 1449 Forms be returned to Applicants' Representatives to indicate that the cited references have been considered by the Examiner.

§102 Rejection of the Claims

Claims 16-20, 25-33, 35-36, 54, 56-57 and 59 were rejected under 35 USC § 102(b) as being anticipated by Sasin et al. (US 6,011,830). Applicant respectfully traverses.

Applicant follows the layout of the Office Action and accordingly address claim 30 first.

Applicant's claim 30 recites, in part, controlling said mobile communications device *to send test*

traffic over said digital mobile phone network; . . . and inserting said traffic parameter measurement data *into said test traffic*, to thereby facilitate testing of said digital mobile phone network. Applicant can not find in the cited portions of Sasin a description of these features. For example, applicant can not find a teaching of test traffic as recited in claim 30. As Sasin does not teach all of the features of claim 30, applicant requests that claim 30 and claims 30-36 depending therefrom.

Sasin describes a test case generator that generates test commands. Sasin mentions simulated traffic in Figures 1a, 2c, and 3a. But applicant can not find a definition or functional purpose of the simulated traffic. The Office Action refers to Sasin col. 13, lines 4-35, which state among other things that “The traffic parameters that are entered into the test case generator are (if available) derived from actually measured values of a telephone network used in real operating conditions.” It is clear from this statement that these traffic parameters are not being sent over the digital mobile phone network either as test traffic or in any other way. Instead Sasin appears to use these traffic parameters to generate a test state model (see col. 13, lines 20-21). Sasin continues at col. 11, lines 52-61, whereat it states in part

a test state model is generated from the test system's entered traffic values, the possible states and transitions, from the test commands that have to be issued to the test system in order to bring about corresponding transitions therein, and from the test system's current hardware configuration. On the basis of this model, a number of test cases with test commands is passed through in exactly the same approach and statistical frequency as is to be expected in a real operating environment when using the system currently under test.

The present invention as defined by claim 30 sends test traffic over a digital mobile phone network. This facilitates testing the network. Broadly speaking embodiments of the present invention create a thread of test traffic amongst the numerous threads present with such a mobile communication network. In embodiments of the present invention, the test thread can associate measured parameters with the traffic itself. This allows the test thread to be captured within the network. Accordingly, there need not be an explicit link between the test equipment at a mobile base station and a data analysis system attached to a network infrastructure. By contrast, Sasin shows such explicit links, see Figs. 1a, 2b, 2c and 3a. Embodiments of the

present invention can avoid the need for such feedback loops that are shown in Sasin. Applicant requests that claim 30 and all claims depending therefrom be allowed over Sasin.

Turning now to claim 54, applicant asserts that claim 54 is allowable for at least similar reasons as stated above with regard to claim 30. Moreover, applicant can not find all of the features of claim 54 in Sasin. Applicant can not find where Sasin teaches test traffic and coded information as recited in claim 54. Applicant requests allowance of claim 54 and claims 55-56 depending therefrom.

Claim 16 is believed to be allowable for at least substantially similar reasons as stated above. For example, Claim 16 recites, in part, “a test traffic supply to supply test traffic; . . . in operation, the equipment is adapted to output traffic data comprising a combination of test traffic for testing said digital mobile phone network and traffic parameter measurement data to said mobile communications device, said traffic parameter measurement data representing a measured parameter of traffic received from said digital mobile phone network via said mobile communications device as a response to said test traffic. Applicant can not find these features in Sasin. Applicant can not find in the cited portions of Sasin, the test traffic as recited in claim 16. As claim 16 does not teach all of the features of claim 16, applicant requests allowance of claim 16 and claims 17-28 depending therefrom.

Claim 29 is believed to be allowable for at least substantially similar reasons as stated above. For example, Claim 29 recites, in part, “a *test traffic supply* to supply test traffic; . . . a combiner configured to combine said *test traffic* from said test traffic supply and measurement data from said traffic parameter measurer and to provide a combined traffic output to said traffic input of said device driver; wherein the computer is adapted to output traffic data comprising a combination of *test traffic* for testing said digital mobile phone network and traffic parameter measurement data to said mobile communications device, said traffic parameter measurement data representing a measured parameter of traffic received from said digital mobile phone network via said mobile communication device; *as a response to said test traffic* (emphasis added).” Applicant can not find these features in Sasin. Applicant can not find in the cited portions of Sasin, the test traffic as recited in claim 29. As claim 29 does not teach all of the features of claim 29, applicant requests allowance of claim 29.

Claims 57 and 59 are believed to be allowable over Sasin. In particular, these two claims refer to a computer readable code and a method for analyzing data captured at an interface of a mobile communication network. For example, claim 57 recites, in part, extract traffic data and associated mobile communications system operation information for one of said communications devices from said read data; decode coded information from said traffic data; and output a linked combination of said decoded information and said mobile communications system operation information associated with said traffic from which said information was decoded. Applicant can not find these features in Sasin. Claim 59 further includes sending traffic that includes test traffic and coded information. Applicant can not find these features in Sasin.

§103 Rejection of the Claims

Claims 21-22, 24 and 34 were rejected under 35 USC § 103(a) as being unpatentable over Sasin et al. (US 6,011,830) in view of Tiedemann, Jr. et al. (US 5,802,105). Applicant respectfully traverses. Claims 21-22 and 24 depend at least in part on claim 16 and are believed to be allowable therewith. Claim 34 depends from claim 34 and is believed to be allowable therewith.

Claim 23 was rejected under 35 USC § 103(a) as being unpatentable over Sasin et al. (US 6,011,830) in view of Tiedemann, Jr. et al. (US 5,802,105) as applied to claims 16 and 21 above, and further in view of Matusевич et al. (US 6,535,733). Applicant respectfully traverses. Claim 23 is believed to be allowable over these documents at least based on the fact that it depends from claim 16.

Claim 55 was rejected under 35 USC § 103(a) as being unpatentable over Sasin et al. (US 6,011,830) in view of Matusевич et al. (US 6,535,733). Applicant traverses. Claim 55 depends from claim 54 and is believed to be allowable therewith.

Claims 58 and 60 were rejected under 35 USC § 103(a) as being unpatentable over Sasin et al. (US 6,011,830) in view of Alajoki et al. (US 6,285,875). Applicant traverses. Claim 58

depends from claim 57 and is believed to be allowable therewith. Claim 60 depends from claim 59 and is believed to be allowable therewith.

Allowable Subject Matter

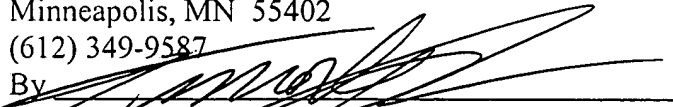
Claim 53 was objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-15 and 37-52 have been allowed.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,
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By their Representatives,
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By 
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Date 16 July '04

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS.Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16th day of July, 2004.

PATRICIA A. HULTMAN

Name

Signature

